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BEFORE THE UNITED STATES PATENTS AND TRADEMARKS OFFICE

Inventors: Stephen Fitzgerald, et al.  
Serial No.: 10/672,060  
Filed: September 29, 2003  
Title: TUBULAR BASEBALL BATS WITH VARIABLE  
BARRELS  
Confirm No.: 4727  
Art Unit: 3711  
Our File No.: CECOM-04.US (2043-3-04-10)

December 13, 2006  
By Fax only: 1-571-273-8300

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA  
U.S.A. 22313-1450

Attention: Ms. Erica Miller  
Supervisor, Technology Centre 2800

Dear Sirs:

The Applicant's attorney writes to confirm the agreement of Ms. Erica Miller that the Notice of Improper Request for Continued Examination (RCE) dated November 27, 2006 will be withdrawn.

The attorney for the Applicant called the Office on December 13, 2006 and verified that the Applicant's Response after Final Office Action dated October 6, 2006 had been received by the Office. The Applicant's attorney observed that the RCE which was filed on November 9, 2006 was accompanied by an explanatory letter reciting the substance of a telephone interview with the Examiner of November 7, 2006 concerning the Response after Final Office Action. The November 9, 2006 letter ended by requesting that the "Examiner reconsider his position".

- 2 -

Ms. Miller agreed that this is considered to be a sufficient submission accompanying an RCE for the Office to address the previously tendered submissions (not entered by the Examiner).

Respectfully submitted,

Stephen Fitzgerald, et al.

Per:



David J. French  
Reg. No. 31,229

Milton, Geller LLP  
225 Metcalfe Street, Suite 700  
Ottawa, Ontario Canada K2P 1P9  
Tel: 613-567-7824, ext. 230  
Fax: 613-567-4689